

EXHIBIT B

1 - 147

IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

RONALD & PATRICIA SHAMON,)	
)	
Plaintiff,)	
-v-)	DOCKET NO.
)	04-11674-WGY
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

THE ORAL DEPOSITION OF RONALD SHAMON, held pursuant to Notice, and the applicable provisions of the Federal Rules of Civil Procedure, before Diana Strzeminski, a Court Reporter and Notary Public, within and for the Commonwealth of Massachusetts, at the offices of the United States Attorney, 1 Courthouse Way, Suite 9200, Boston, Massachusetts, on Wednesday, March 16, 2005, commencing at 12:52 p.m.

COPY

APEX Reporting
(617) 426-3077

1 minutes, I believe, in the doctor's office.

2 MR. WILMOT: Let's mark this as Exhibit 1, please.

3 (Exhibit No. 1 was marked for
4 identification.)

5 BY MR. WILMOT:

6 Q Mr. Shamon, I'm showing you what has been marked
7 as Exhibit 1.

8 Would you take a moment to look at that document
9 and let me know when you've finished reviewing it?

10 A Read the whole thing or just--

11 Q Just review it and let me know when you've
12 finished.

13 (The witness examined the document.)

14 A Read it.

15 Q You can hold on to that; there's a back side to
16 that as well.

17 (The witness again examined the document.)

18 A Okay.

19 Q Do you recognize this document?

20 A No. Never saw it before.

21 Q So you've never seen this document before?

22 A Never. Ever.

23 Q You have no memory of the hospital, the VA sending
24 you instructions or description of what can happen during a
25 sigmoidoscopy procedure?

1 procedure he was about to perform?

2 A No. He just asked me, like I told you, he just
3 asked me, "When was the last time you had one of these?"
4 And he was holding it in his hand.

5 And I said, "It was about seven years ago." And
6 he said, "Well, now you're going to get it."

7 Q Okay.

8 A That's it. I was kind of -- a little bit nervous
9 with that.

10 Q When you arrived at the hospital that day, did any
11 doctor go over with you what the sigmoidoscopy procedures
12 were going to entail?

13 A Nothing. No one.

14 Q Did anyone obtain your consent for the procedure
15 before it was taken?

16 A I don't remember signing anything. I don't
17 remember signing anything at all.

18 MR. WILMOT: Please mark this as the next Exhibit.

19 (Exhibit No. 2 was marked for
20 identification.)

21 BY MR. WILMOT:

22 Q I'm showing you what is marked as Exhibit No. 2.
23 Would you review that and let me know when you're finished,
24 please?

25 (The witness examined the document.)

1 A Read it.

2 Q Do you recognize this document?

3 A No.

4 Q Before you is a consent form. Obviously, there
5 are no signatures on this form.

6 But is it your testimony that you've never seen
7 this form before?

8 A I would have recognized this -- was that supposed
9 to be on all the forms, this top writing here? I don't know
10 what--

11 Q I'm just asking you a question.

12 A No. I never saw that. No. I'm really going to
13 see that.

14 Q Just so we're clear, the day that you arrived at
15 the hospital, October (sic) 7th, 2001, no one at the
16 hospital obtained your consent, your written consent to
17 perform the sigmoidoscopy procedure?

18 A I don't remember signing anything. No one talked
19 to me about this material.

20 Q And is it also your testimony that on December
21 7th, 2001, no one discussed what occurs during a
22 sigmoidoscopy procedure?

23 A No one discussed that at all.

24 Q And is it also your testimony that on December
25 7th, 2001, that no one explained to you what the potential

1 complications are with the sigmoidoscopy procedure?

2 A No. No.

3 Q "No," that's not your testimony, or no one--

4 A No one ever mentioned what the complications would
5 be. No.

6 Q Okay. If you knew that rectal perforation was a
7 potential risk with a sigmoidoscopy procedure, would you
8 have refused to have the procedure done?

9 A If I knew, by looking at that, what I felt about
10 the procedure -- I didn't want to have it done to begin
11 with. But if I started to have -- somebody go through this
12 like here, then I think I would have walked home -- walked
13 out of there.

14 Q So if a doctor told you that a potential risk was
15 perforation of the colon, you would have said, "I don't want
16 this procedure to occur."

17 MS. SUGARMAN: Objection. You can still answer
18 the question.

19 THE WITNESS: I never had a problem with my --
20 none of the family ever had problems with the rectum; no
21 colon cancers or anything like that. And I thought it was a
22 foolish thing to do to begin with, even seven years prior to
23 that.

24 BY MR. WILMOT:

25 Q I'm just trying to be clear--

1 A And I start building up -- my wife said, "Don't go
2 to the VA." And she spent 33 years in a hospital.

3 And I tried to be argumentative with Dr. Burch,
4 Retter-Burch. I said, "Why do I have to go get one of
5 these?" She said, "Don't be a baby." So I'm being a little
6 bit macho. I don't want to be like a baby.

7 I came within one second from jumping off that
8 table when the nurse said she didn't like him.

9 And then when he came out and said, "Now you're
10 going to get it," I had thoughts of just walking -- jumping
11 off the table. I came that close a couple of times.

12 If he didn't walk in that room, I was ready to go.
13 But part of me didn't want to, like she -- "Don't be a
14 baby," you know, I didn't want to--

15 Q Just so I'm clear. So is it your testimony that
16 if Dr. Zhang, or whatever other doctor at the VA, told you
17 that a potential risk was perforation of your colon, you
18 would have refused the procedure?

19 A If I hadn't been -- may I answer that this way?
20 If I hadn't been forewarned from several people not to have
21 it done at the VA, I probably would okay and have it done.
22 But the more deep I got into it, the more I was ready to
23 jump off and not do it.

24 But if I saw this at that particular time, that
25 would have made my decision to leave that place.